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(not for service)

May 22, 2023

BY ECF

Hon. John G. Koeltl
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

APPLICATION GRANTED
SO ORDERED

5/22/23 
John G. Koeltl, U.S.D.J.

Re: *Hidalgo, et al. v. Porter, et al.*, 21-CV-10794 (JGK)(SN)

Your Honor:

I am an Assistant Corporation Counsel and a supervisor in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants New York City Department of Education and its former Chancellor Meisha Porter in the above-captioned matter. I write to respectfully request a brief, one-week extension of time for Defendants to serve and file their opposition to Plaintiff's partial motion for summary judgment.

Pursuant to the so-ordered briefing schedule (Dkt. No. 68), Defendants' opposition papers are presently due today, May 22, 2023. Following the withdrawal of Min Kyung Cho from the case and concurrent departure from the Law Department, this case was reassigned to an attorney who joined the Law Department on May 1, 2023. In light of the recent reassignment, Defendants respectfully request a brief further extension of time to facilitate the finalization, service and filing of Defendants' opposition papers. Accordingly, Defendants respectfully request a 7-day extension of Defendants' time to serve and file their opposition papers until May 29, 2023. Defendants also respectfully request a corresponding extension of the remaining briefing schedule, making Plaintiffs' reply, if any, due by June 5, 2023.

This is Defendants' second request for an extension of time to serve and file its opposition to Plaintiffs' partial motion for summary judgment, and the Court granted the first request. We attempted to contact Peter Albert, Esq., by phone and via email this morning to discuss Plaintiffs' position with respect to this request and later sent an email to Rory J. Bellantoni,

Esq., this afternoon, but have not received a response. Plaintiffs, however, will not be prejudiced by the brief adjournment. Other than the Plaintiffs' reply deadline discussed above, this request, if granted, will not affect any other deadlines in this matter.

I thank the Court for its consideration of this request.

Respectfully submitted,

s/
Philip S. Frank
Assistant Corporation Counsel

cc: Peter G. Albert, Esq.
The Brain Injury Rights Group
Counsel for Plaintiffs